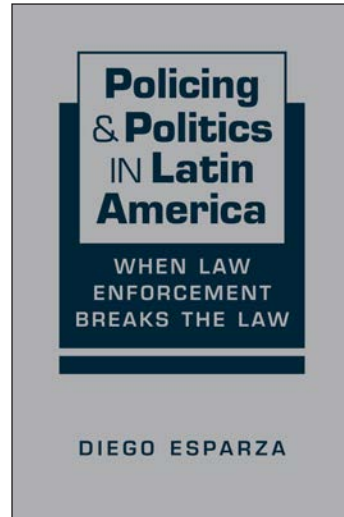


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Policing and Politics
in Latin America:
When Law
Enforcement
Breaks the Law

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1

The Problem of Police Misconduct

Eventually, our cities may find it necessary to reorganize their police on the pattern of the state police. But this will never happen while political organizations retain the slightest power to reward or to punish.

—John Steinbeck, *Travels with Charley* (1962)

Democracy and security are intimately linked. As Guillermo O’Donnell has argued: “The rule of law is among the essential pillars upon which any high-quality democracy rests” (O’Donnell 2004). This implies that democracy can only be as healthy as its ability to provide security. At the same time, democratic states cannot cross into the realm of authoritarianism in their quest for security, lest authoritarianism undermine the civil rights and liberties that make popular rule possible (Frühling, Tulchin, and Golding 2003). This delicate balancing act is proving to be a challenge for developing democracies transitioning from authoritarian rule. A central challenge for these democracies is that the law enforcement institutions that are supposed to address insecurity are instead a significant source of insecurity.

When police engage in misconduct, they inspire mistrust among citizens, and this in turn has a wide-ranging impact on trust in political institutions (Theobald and Haider-Markel 2009; Kaariainen 2007; Finocchiaro Castro and Guccio 2020; Tankebe 2013; Tyler and Huo 2002; Tyler 2003; Buvinic, Morrison, and Shifter 1999). Several scholars have noted that trust in local government and trust in police are intimately linked (Sun, Hu, and Wu 2012; Silva et al. 2020; Silva and Esparza 2021; Liebertz 2020). In democratic societies, experiences with police abuse decrease feelings of political efficacy and change voting behavior (Kirk and Matsuda 2011). The crux of this problem

often rests with the draconian practices that police import into a present democracy from their own authoritarian past. As such, the problem of reducing police misconduct stands squarely in the center of the quest for democracy itself (Berkley 1969; Wiatrowski and Goldstone 2010). For Gerber and Mendelson (2008; 1), misconduct exists where police are “devoted to the personal enrichment and self-preservation of the police themselves.” Further, misconduct need not be for strictly personal gain but can also be for the advancement of law enforcement’s organizational interests. However, the key differentiating characteristic of misconduct is that it is not just for personal or organizational gain but also to the detriment of the public.

Given the important role of police misconduct in shaping the experience and practice of democracy, I decided to focus my energy on advancing our understanding of when and why police break the law for personal gain. From my analysis, I have derived five key insights about police misconduct. First, centralizing control reduces the frequency of aggregate misconduct because it reduces local political influence. Second, professionalization of police further reduces the likelihood of police abuse of power because it changes the incentive structure for individual officers. Third, the institutionalization of professionalism across a nation’s police system often requires some degree of centralization, and in this sense, centralization and professionalization work together to lower police misconduct. Fourth, militarization of police can act as a catalyst for centralization and professionalization. Fifth, in terms of regime types, during periods of authoritarianism or when authoritarian personalities are in control of a democracy, there is an increased likelihood of police misconduct irrespective of police structure or professionalization. Furthermore, having a consolidated democracy does not necessarily reduce misconduct, although it opens the door for mechanisms of reducing police abuse not present in authoritarian periods.

These insights emerged from extensive fieldwork I conducted in multiple locations in Latin America. My research focuses specifically on uniformed preventative police services that patrol the streets providing emergency services or stopping crimes in progress. I do not focus on investigative police forces, who do not wear uniforms and who focus on gathering evidence for the purposes of indicting and convicting criminals.

The next section discusses the major theoretical findings in this book. I then explain why comparing Chile, Colombia, and Mexico makes sense for understanding police misconduct, and I close this chapter with a thorough road map of subsequent chapters.

Can Police Centralization Reduce Misconduct?

Police institutions can be differentiated by the degree to which local (city) authorities have control over police training, promotion, deployment, salary,

and benefits. Fully decentralized police bureaucracies emphasize local control by actors such as mayors, city councils, and city managers, who control all aspects of policing. Police are more centralized but still locally based when county services control policing for multiple cities (as in the United States). Additionally, there are semicentralized police systems that are controlled by subnational entities, such as state/provincial/lander-level entities that are higher order than counties or cities. Here, governors or state ministers control the police, and local actors such as mayors do not (as in Canada, Germany, Argentina, and Brazil).

Conversely, national/centralized police come in two organizational varieties. First, there are police institutions with a single chain of command for enforcing the law and maintaining order throughout an entire country. This type of police is fully centralized because it falls under the control of the national executive through a cabinet ministry, such as a minister of interior, a secretary of defense, or a minister of public security. Although this type of police can cooperate and coordinate with local political leaders, the hierarchical structure places ultimate control and responsibility in the hands of a national entity (as in El Salvador or Sweden). Second, there are police institutions with an autonomous centralized body (such as a national commission) that establishes criteria for benefits, recruitment, training, and oversight of police but devolves powers to local political leaders to fulfill these standards. The devolution of power is neither permanent nor guaranteed, and it can always be withdrawn by the national commission. In these systems, the national commission manages police oversight, but there is some degree of local control (as in the UK and Japan). I consider both to be fully centralized systems because full control is not placed in the hands of local authorities but in some form of subnational or national institution.

The question of whether to centralize or decentralize police touches the core of an ongoing policy debate in Latin America: the neoliberalization of public services. The neoliberal era in Latin America that started in the 1980s and continued through the early 2000s brought a wave of decentralization in the form of giving political, fiscal, and administrative responsibilities to local authorities at the city or provincial level (Montero and Samuels 2004; Tiebout 1956; Oates 2011). Furthermore, many national leaders were happy to shift the economic and legal burdens of public administration to lower levels of government. However, in some cases, the movement toward decentralization resulted in less-effective and more-expensive outcomes. The debate over the process of decentralization continues to drive scholarship in the developing world and is at the center of this analysis.

The push toward decentralizing police is based on three logics: democratic accountability, identifiability, and community ownership. First, some scholars argue that police misconduct arises out of a lack of oversight from democratically elected officials (Greene and Mastrofski 1988; Skolnick

and Bayley 1988). As Daniel Sabet (2010) notes, “Executive appointment of police chiefs should make the police more accountable to citizens, and executive discretion should facilitate rapid reform” (266). As Grichawat Lowatcharin and Judith I. Stallmann (2019) highlight, because “local governments are closer to local citizens and possess more information about citizen demands and preferences than higher levels of government, decentralized service provision will likely more closely reflect local preferences, increasing police accountability” (197). Thus, police accountability is augmented if the police service itself is controlled by locally elected officials.

Second, to hold someone accountable, you must be able to identify them (Punch 1989). When police are decentralized, they are often stationed within the city where they live. Hence, they are more easily identified and punished by a society that knows who the perpetrators are. Unlike more centralized police services, local officers do not enjoy the same degree of anonymity. It could be argued that a police officer in a centralized system may engage in abusive activity and be transferred out of the region before he can be prosecuted. Meanwhile, a local police officer cannot be assigned out and will face the consequences dispensed by peers in the community. Further, when misconduct occurs, it is much easier to identify the relevant bodies in charge of police oversight at the local level, such as police chiefs, rather than to deal with a vast bureaucracy located in a faraway capital or major city.

Third, decentralization facilitates stronger community-police relations, whereby police take ownership of their local community. The proximity of decentralized police implies that they have developed deep roots in the community and are therefore more accountable and less likely to engage in misconduct (Ligthart and van Oudheusden 2015; Pollitt 2005). Decentralization allows for a greater emphasis on the “plurality of police functions rather than a single-minded focus on crime control; its prioritized community input and involvement over expertise and technical analysis; locally tailored rather than globally rationalized solutions” (Sklansky 2013, 2). These social interactions integrate police in their local societies, and as such police will hold themselves accountable as protectors of the people they have come to know and accept as their neighbors (Maguire 2003; Skogan 2006; Glebeek 2009).

My analysis is critical of this neoliberal vision of decentralized policing. I do not stand alone in this assessment (Berkley 1970; Soares and Naritomi 2007; De la Torre 2008; Eaton 2008; Pion-Berlin 2010; Pion-Berlin and Trinkunas 2011). For instance, Lawrence W. Sherman (1978, 32) asserts that decentralization is a problem because it facilitates capture by political interest, and this “is the leading explanation of why police” engage in misconduct. Angélica Durán-Martínez (2015) has argued in a similar vein that the variation in levels of violence in cities in Colombia and Mexico can be linked to

the level of fragmentation of the security apparatus. The more fragmented the security apparatus, the higher the level of violence. However, the more cohesive the security apparatus, the less violence there is. Diego Esparza and Antonio Ugues (2020) found empirical evidence that national police are trusted at a higher level than local police in Mexico. Furthermore, Diego Esparza and Thomas C. Bruneau (2019) highlight that centralized police are better suited to enhancing national security interests than local ones.

Building on this scholarship, I find that centralization is vital to reducing misconduct because it redefines the relationship between local political actors and the police in several ways. For starters, there is a dangerous tendency for local political actors to utilize the police as a personal political tool. This ends up politicizing the police force. In such a world, police (1) are asked to attack opposition party candidates; (2) are hired on the basis of loyalty, not qualifications; and (3) have political protection, which enables them to engage in nefarious activities. Furthermore, because policing at the local level is often paid for by local funds, there is a high degree of variation in the quality of policing across regions: more impoverished areas cannot afford to train and pay police well, whereas rich areas end up with better police. In this book, centralization is a force that destroys this patrimonial use of police by politicians. The destruction of this pattern alone opens the possibility of a less-malfeasant police by reducing the potential for their politicization (Agboga 2021). However, centralization alone is not sufficient for completely undoing police misconduct. The next section focuses on the second factor that reformers can focus on to reduce criminal policing—professionalization.

Does Professionalization Lower Misconduct?

In addition to centralization, police labor needs to institutionalize as a profession in order to change police misconduct. When I refer to the professionalization of police labor, I am referring to the formal and informal institutional codification of standards that differentiate rationalized from nonrationalized public service labor. The critical distinction is that an institutionally professionalized field of public labor “arises when any trade or occupation transforms itself through the development of formal qualification based upon education, apprenticeship, and examinations, the emergence of regulatory bodies with powers to admit and discipline members, and some degree of monopoly rights” (Bullock and Trombley 1999, 689).

I find that professionalization is the process by which a group of experts can insulate themselves from external political influence. In the same way, police professionalism also means insulation from patrimonial domination. Professionalization is a critical process that allows for the modernization of state institutions and removes patrimonial interests and

replaces them with rational-legal logic of behavior. By advancing professionalization, the lines between what is private and what is public become more delineated and are better enforced. Three institutional policy areas advance the professionalization of police: (1) welfare, (2) training, and (3) oversight. Each of these policy areas has various institutional rules and components that can be manipulated to decrease misconduct (Price 1979).

First, police welfare implies all the factors that provide police with a standard of living, including remunerations, pension, and health insurance (Arteaga Botello and Rivera 2002). Professional labor should be remunerated with at least a middle-class wage, with opportunity for bonuses. Another demarcation of a professionalized mode of labor is provision of a pension, in which 75 to 100 percent of the salary is made available to those with twenty-five to thirty years of service. In addition, this type of labor should provide medical coverage for the officer and immediate family, life insurance, education for children, fifteen to thirty days of paid vacation per year, access to housing, and low-interest loans. In contrast, places that do not treat police labor as a profession simply do not have the same welfare, remuneration, and insurance benefits. Instead, these more fragile systems provide only lower-class wages, less than 50 percent of final salary as a pension, and no healthcare insurance. They also have limited life insurance coverage, no child education benefits, limited paid vacation, and no access to discounted vacation rentals, housing, or low-interest loans (National Police of Colombia 2013c).

The next aspect of professionalizing labor has to do with recruitment and training. Healthy development systems that aim to build a professional police force must have high entrance standards that include completion of high school education, physical fitness tests, high scores on standardized tests, psychological tests, and thorough background checks of the applicant and family members. These recruitment standards help increase the number of women in the police force and restrict entrance of individuals with criminal connections, which taken together reduce police misconduct (Ricucci et al. 2014; Barnes et al. 2016; Quah 2006; Sherman 1978; Arrigo and Claussen 2003; Champion 2001; Sellbom, Fischler, and Ben-Porath 2007; Jenkins 2021; Hassell 2016).

The basic training for a position in a professional field should constitute nine months or more for enlisted-level ranks and three to four years for commissioned officer ranks. The training itself ought to be physically and mentally demanding and have reliable academic components. Conversely, weak development regimes deemphasize professional labor models and have few or nonexistent entrance standards for education, physical fitness, and psychological exams. Nonprofessionalized police labor forces have low education requirements of one to six years of education, and there are no criminal background checks or committee interviews. The training is short,

from three to six months (less than three months for the enlisted level and less than one year for the officer track), is generally not physically challenging, and is mostly carried out as on-the-job training. Options for additional or continuing training are limited. (Haarr 2001; Eitle, D'Alessio, and Stolzenberg 2014; Getty, Worrall, and Morris 2016; Skogan, Van Craen, and Hennessy 2015; White and Escobar 2008; MacVean and Cox 2012; Hilal, Densley, and Zhao 2013).

Oversight mechanisms are the formal methods of monitoring, investigating, punishing, and prosecuting officers who deviate from institutional norms. Professionalization of labor requires a robust hierarchical system of control that emphasizes subordination to the commander's orders and disciplinary measures from command to enlisted ranks as per the law. This system includes a swift mechanism for the investigation of suspected criminal behavior and the removal of those who are found guilty. Professional labor is also under external oversight that ensures the necessary redundancy, such as a public prosecutor's office, a government accountability organization, or a citizen review board that has auditing power over the police (Prenzler and Ronken 2001). An external societal mechanism might include social movements, private sector activism, or the judicial system (Moncada 2009; González 2020; Peruzzotti and Smulovitz 2006). However, where police forces are not structured according to professional standards, weak oversight systems lack adequate control mechanisms—no external organizations of control exist that can investigate the police. Internal bodies may exist, such as penal police justice, but these interior groups cover both regulatory infractions and criminal behavior. This type of system has a weak emphasis on hierarchy and discipline, providing enlisted police officers with more autonomy in practice. Police forces that lack oversight also make it challenging for top-ranked officers to remove police on suspicion of criminal behavior. Weak oversight mechanisms lack internal investigation ability, lack discretionary powers, and have inadequate or nonexistent external control methods (Mawby and Wright 2012; Pogarsky and Piquero 2004; Prenzler and Ronken 2001).

Professionalism as I have sketched it out has had its share of detractors, especially in police scholarship focused on the United States (Sklansky 2011, 2013; Potts 1982). In the 1980s, community-oriented policing (COP) arose as a rejection of police professionalism that instead “prioritized community input and involvement over expertise and technical analysis” (Sklansky 2013, 2). Some scholars emphasize policing not as a profession but as an occupation that stresses apprenticeship, a generalist approach to policing, a lack of deference to authority, and oral tradition rather than written documentation (Crank 1990, 333). Furthermore, police labor models that deemphasize professionalism instead promote the idea that training should be “undertaken by experienced officers in a master/apprentice

arrangement” (Murray 2005, 352). Some scholars suggest that the consequences of treating policing more like a profession will be reduced accountability and reduced public trust (Bayley and Shearing 2000; Heslop 2011). Other scholars have suggested that professionalization would reduce civic engagement (Van de Ven 2007). According to Martha K. Huggins (1998), “professionalism has been used to disguise police violence.”

Given these detractors, why does professionalization matter? The advancement of recruitment, training, welfare, and oversight matter because they are the carrots and sticks that work together to shape behavior. Police choose whether to engage in misconduct on the basis of the structure of incentives. Like all rational actors, they must ask, “How do I benefit?” “What is the likelihood that I will get caught?” “Will I even be punished?” and “What will I lose if I am caught?” There is also the perverse possibility that police are required to engage in misconduct through pressure or orders from superiors or elected leaders. This is also a rational choice: “I do not want to fleece citizens, but my commander/mayor forces me to do that. If I do not do this, I will receive worse assignments or get fired.” In short, police agents are rational actors who choose, on the basis of incentive structures, when to engage in misconduct (Becker 1968).

How does professionalization structure institutions differently to change police behavior? Professionalization of a field of labor like policing brings with it intense recruitment and training, robust benefits packages, and efficient oversight mechanisms that work together to reduce the likelihood of corruption in a wholistic way. First, welfare benefits draw in more and better candidates. Second, better candidates have fewer corrupt proclivities at the individual level and are more amenable to the training they receive. Third, higher remuneration and prestige make the potential loss of the job more significant, because the standard of living will drop dramatically for fired officers. This, in turn, provides the institution with a stronger ability to meaningfully sanction and threaten officers who skirt the line between legal and illegal activities.

To avoid confusion, I want to make clear that police misconduct is not just unprofessional conduct but also a specific type of behavior that an institutionally privileged person uses knowingly—and to the detriment of their clients—for personal gain. Further, we must think of professionalization as an institutional process and misconduct as a behavioral process. In short, professionalization is about changing the rules of the policing game on the front end of the equation, whereas levels of misconduct are the behaviors of players on the outcome end of the equation. Although rules are intended to shape behavior, the rules of the game and player behavior are not one and the same in a tautological sense. Thus, professionalizing institutions is about the replacement of the old patrimonial game with the new rational-legal game (Weber 2019). This is not to imply that because

officers are operating in a labor field that has been professionalized they will all act professionally. What it does imply is that officers have more to lose if they are caught, and they are more likely to be caught if they engage in misconduct, and these two factors shape the aggregate level of police abuse of power.

Linking Centralization and Professionalization

Centralized and decentralized police systems have different capabilities for professionalizing policing. The most basic problem is that decentralized policing systems must rely on their local governments for resources; wealthier locations can gather enough funds to provide excellent benefits and salaries to police, but smaller and poorer police forces cannot. In contrast, centralized police forces have more collective resources and financial leverage to provide such benefits as medical insurance, life insurance, and pensions to all police in a country. This ensures that police throughout a country, whether stationed in a poor town or a rich neighborhood, are provided with the resources they need to provide security equally throughout the nation.

Because of the various ways in which wealth is distributed, recruitment in decentralized police systems is more likely to rely on patronage or political clientelism rather than objective standards. Local systems usually draw recruits from within the community they serve, which means that recruits may have connections to local criminal actors. Further, some poor municipalities will rarely have the resources to conduct background checks on applicants, thus inviting in a criminal element. In contrast, national systems have more resources to establish and enforce strong recruitment standards. Centralized systems also recruit from a national application pool. Once trained, these officers are deployed not in their own communities but throughout the territory, which precludes the development of connections to criminal elements in localities.

Regarding personnel development in decentralized police systems, training is done on the job or in seasonal police academies. There are no nationwide training standards, and in many cases the police may not receive any training at all because of a locality's lack of resources. Conversely, centralized police have a unified system of academies or a central college to train all police agents under the same standards as prescribed by the current policy. Training for enlisted persons may vary from six months to a year, whereas training available for officer-level agents is more advanced and can extend from two to four years.

There is also a critical difference in oversight mechanisms between centralized and decentralized policing systems. In decentralized systems, the many smaller police institutions have fewer resources for establishing

internal review offices, and when these departments do exist the internal review officers may have a more difficult time being objective because they likely know the officer under investigation. Additionally, decentralized systems tend to develop ad hoc committees to investigate alleged police misconduct rather than to hand cases over to a standing oversight body. Conversely, national police function as one large organization and therefore must develop institutions to coordinate activities and guarantee bureaucratic consistency. Administratively, centralized police systems rely on standard operating procedures that are codified in documents and published in training manuals (as the military does). A chain of command structure and oversight mechanisms ensure consistent behavior. In national policing systems, control mechanisms are developed to ensure that police do not waiver from the standards set forth by the force's top leadership. Oversight controls include a powerful office for internal affairs that can function objectively precisely because the size of the institution all but guarantees that internal affairs officers will not have personal relationships with those they investigate.

Considering these distinctions, I argue that locally controlled and weakly professionalized police forces create conditions for patrimonial logics of public service to arise. It is this patrimonialism that is the driving force of misconduct. Here public servants are allowed and encouraged to augment their wealth through the process of benefice. That is, rather than relying on salary as the basis of their income as public servants, these actors can augment their earnings through the abuse of their office. The cases I include demonstrate that a police system's move from a local and less-professional to a centralized and highly professional model undermines the patrimonialism that undergirds misconduct. I further develop the notion that professionalization is likely to arise when police are centralized rather than when they are decentralized. Bringing these notions together, for structural changes to have the maximum impact on misconduct, reformers ought to couple centralization *and* professionalization. Analysis shows that it is unlikely reformers can professionalize police without some degree of centralizing control at a national level. Table 1.1 illustrates how centralized and decentralized police systems vary in terms of welfare, personnel development, and oversight.

Police Militarization, Democracy, and Misconduct

Militarization of the police is viewed as increasing misconduct (Zaverucha 2000; Friesendorf and Krempel 2011; Hill and Beger 2009; Hill, Beger, and Zanetti 2007). Hugo Frühling, Joseph S. Tulchin, and Heather A. Golding contend that "militarization has unquestionably had an impact on the excessive use of force by the police, which in the case of Latin Amer-

Table 1.1 Comparing Welfare, Development, and Oversight

	Centralized Structure	Decentralized Structure
Welfare	Resources tied to national tax base Higher salary Merit-based rewards Hearty pension plans Extensive perquisites National talent pool for recruitment	Resources tied to local tax base Lower salary Spoils-based rewards Thin pension plans Limited perquisites No rotation
Personnel development	National talent pool for recruitment National rotation Objective standards of selection Longer training periods Continual training Meritocratic advancement	Local talent pool for recruitment No rotation Politicized officer selection Short training periods No continual training No meritocratic advancement
Oversight	National jurisdiction National internal affairs department Preventative investigation Vigorous prosecution	Local jurisdiction Local internal affairs department Ad hoc investigation Weak prosecution

ica means a high number of citizen deaths, along with other human rights violations” (2003, 19). However, I found that police mimicry of military organizational structure can facilitate centralization and professionalization and is not necessarily antithetical to democratic governance. The institutional isomorphism of police as a more centralized and professional body akin to the military produced the desired outcome of less-malfeasant police. Outside the facts presented here, there are multiple paths to centralization and professionalization, and police militarization is but one. These findings reinforce the validity of arguments for police militarization as way of addressing threats from increasingly sophisticated criminal groups (Lutterbeck 2005; Beede 2008; Gobinet 2008).

The final key finding in this book focuses on the role of regime in shaping police behavior. On one side of the coin, policing under authoritarian systems—irrespective of structural configurations or professional institutionalization—increases the likelihood of police misconduct. On the other side of the coin, democratization does not necessarily produce less-malfeasant police. In Brazil and Argentina, transitions took place in the 1980s, yet these nations still suffer high levels of police misconduct. As such, democracy may or may not improve the way police behave. An important factor here, then, is not just the regime type but also the kind of

actors who oversee the police. Although this book is about institutional and structural aspects of policing, the leadership qualities of political actors in charge of police forces also matter. Thus, while this book highlights the importance of structural-institutional factors, individual leadership, even in democracies, does impact police behavior.

In short, centralization, professionalization, militarization, and regime structure are fundamental to understanding police misbehavior because they promote a process by which the Weberian rational-legal bureaucratic organization of police replaces the patrimonial order that has come to define Latin American politics and public security (Weber 2019). These findings are consistent throughout the historical analysis and through the comparative analysis presented in this book. I also address the debates about how levels of crime, cultural contexts, colonial origins, and religious foundations relate to police misconduct discussed in the literature review.

Plan of the Book

In this book, I analyze the cases of Chile, Colombia, and Mexico. I chose these cases methodically in the following way: by focusing on the Western Hemisphere with the idea that this would facilitate controlled comparisons and because it is my region of interest. I took four factors into consideration to narrow the scope of cases: patterns of colonization, religion, international pressures, and regime type (Williams 2002).

Several scholars have noted that imperial legacies determine the patterns of policing and misconduct in colonized countries (Hadden 2001; Hansen 2012; Boateng and Darko 2016; Steinmetz, Schaefer, and Henderson 2017; Blanchard 2014; Becker et al. 2014). For instance, Daniel Treisman (2000) notes that having Spanish colonial heritage increases the likelihood of corruption, whereas British heritage reduces it. This has to do with the fact that Spanish rule in the Americas came to an abrupt and revolutionary end, leading to power vacuums where a caudillo (strongman) was the primary method of providing security. These patrimonial practices endured in the long run. In contrast, not only did British colonialism impart democratic institutions and common-law traditions but also the British transitioned peacefully out of politics in most locales. Thus, the insecurity gap was not as prominent in postcolonial British territories as it was in Spanish colonies. I therefore rejected the cases of the United States, Canada, Belize, Suriname, the Commonwealth Caribbean, and Guyana because they have British heritage. I eliminated Haiti because it is the only country in the Western Hemisphere with French colonization. The other French colonial holdings in the Caribbean are politically part of France. Similarly, Dutch colonies continue to be a part of the Kingdom of the Netherlands. Finally, I ruled out Brazil because of its Portuguese colonial heritage.

By selecting former Spanish colonies, I also controlled for a different argument: religion (McFadyen and Prideaux 2014; McNamara and Tempenis 1999). Treisman (2000) found that religion was a significant predictor of corruption; Protestant countries had lower levels of police corruption. Conversely, countries with Catholic majorities tended to have higher levels of police corruption.

Another virtue of studying Spanish America is that it controls for another argument related to the role of international influences. The internationalist perspective is that training by foreign hegemonic forces has a significant impact on the practices of domestic security forces (Carothers 2011; Renda 2001; Müller 2018; Bayley 2005; Sinclair and Williams 2007; Pérez Ricart 2020). For example, US training pressured the Brazilian police forces in the 1970s and 1980s to embrace a national security doctrine that rendered them institutionally abusive to this day (Huggins 1998). Similarly, Spanish American cases show significant influence of US police training and its attendant issues with police misconduct (Huggins 1987). Today, the United States continues to play an important role in training Spanish American police through the International Law Enforcement Academies located in El Salvador and New Mexico (International Law Enforcement Agency 2021). As such, the available cases that allow for control of colonial heritage, religion, and international influence include Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

Beyond international influences, many scholars have studied the link between regime type and police misconduct. Here the argument is that democracies tend to improve police behavior. Treisman (2000, 404) notes that police will be less likely to engage in misconduct in democratic societies because the risk of getting caught is higher in “open political systems” where “freedom of association and the press engender public interest groups and reporters with a mission and the right to expose abuses.” Some scholars have found that the regime type does matter for police behavior (Cao, Lai, and Zhao 2012; Karstedt 2012), but others note that democratization does not adequately change police misconduct (Arias and Ungar 2009; Cruz 2011; González 2020; Bailey and Dammert 2006). Nevertheless, regime type must be controlled for in this analysis. For this reason, I eliminated Cuba and Venezuela because they are not contemporary democracies. Therefore, the standing universe of cases is as follows: Argentina, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, and Uruguay.

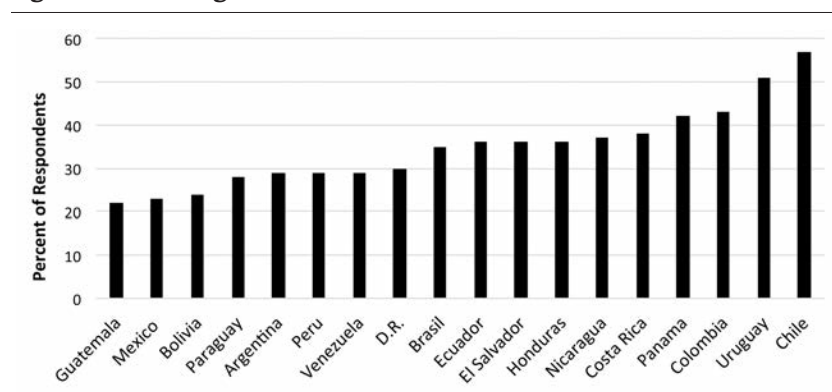
Next, I selected three countries for valid comparison from these fifteen possible cases. I first chose the cases to maximize variation in the

misconduct. Measures of police misconduct are difficult to approximate because of a lack of data. However, the level of citizen trust in the police can be used as a proxy for police misconduct. This is a reasonable assumption given that several scholars have found a high correlation between the level of confidence in the police and police corruption or police effectiveness (Morris 2011; Morris and Klesner 2010; Sabet 2010; Tankebe 2010). Using Latinobarómetro data from 1995 to 2017, I aggregated the overall levels of citizen trust and found that Chile, Uruguay, and Colombia had the highest levels of confidence in the police, then assumed that police misconduct was lowest in these cases. Meanwhile, Guatemala, Mexico, and Bolivia had the lowest levels of trust, and hence might have the highest levels of police misconduct. Figure 1.1 illustrates the variation in citizen trust in the police.

To select the best cases for comparison among the six cases of Chile, Uruguay, Colombia, Guatemala, Mexico, and Bolivia, I relied further on the literature. Specifically, I considered the following factors of police misconduct: violent criminal environments, cultures of corruption, weak states, and weak rule of law.

Some scholars find that violent environments create conditions that promote police misconduct in two ways. First, violent criminal environments create spheres of permissibility for police to engage in misconduct (Klinger 2004). The main driving force is that violent criminal contexts create heightened fear in citizens, who ask for police to engage in hardline tactics against criminals (Tankebe 2009; Cruz 2015). Hence, violent contexts are correlated with police misconduct (Kane 2005; Caldeira 2002; Cardia 1997). Second, a sort of isomorphism arises between violent criminals and violent police.

Figure 1.1 Average Citizen Trust in Latin American Police, 1995–2017



Source: Latinobarómetro datasets 1995–2017. Tabulation by author.

Here, police rationalize that the only way to counter criminal violence is with state violence (Eitle, D'Alessio, and Stolzenberg 2014; Lauchs, Keast, and Yousefpour 2011; Gutierrez-Garcia and Rodríguez 2016).

In terms of the impact of corrupt societies, the basic argument is that police engage in misconduct because the society around them condones it (Wolfe and Piquero 2011; Paoline, Terrill, and Rossler 2015; Fuentes 2005). Sherman (1978) declares that “community tolerance, or even support, for police corruption can facilitate a department’s becoming corrupt” (32). Mercedes Hinton (2006) notes that police misconduct is “shaped by cultural toleration for corruption in public office,” where there is an “an enormous window of opportunity for all players to exploit an already weakened concept of public good” (192). Here, the media landscape is quite important in shaping citizens’ acceptance of police misconduct (Roich 2017; Bonner 2013; Bonner et al. 2018).

There are also arguments about how state strength influences police misconduct (Dinnen, McLeod, and Peake 2006). These arguments are largely rooted in the notion that state weakness implies resource limitations, which in turn limit the capacity for police to be effective in their daily work (Goldsmith 2010; Kakachia and O’Shea 2012; Costa 2011; Wolf 2009, Müller 2012; Mwangi 2017; Marcella, Pérez, and Fonseca 2021). This ineffectiveness and lack of resources might compel officers to engage in misconduct to increase their effectiveness by skirting civil liberties and to engage in corruption to enhance their resources. However, other scholars have noted that changes in state capacity are not always “sufficient to improve police performance” (Taylor 2011, 16).

Finally, scholars have noted that misconduct arises in contexts where there is a weak rule of law. When the rule of law is weak, judges, prosecutors, politicians, and the business world ignore the law and thus stand above it. In these contexts, police rationalize their misconduct as normal and a social good (Davis 2006; Uildriks 2010). In a more refined argument, Daniel M. Brinks (2007) found that Brazilian police in Rio de Janeiro and São Paulo engaged in misconduct because it was tolerated by other public officials in the judiciary and state governments.

Given the major arguments in the literature, I selected the cases of Chile, Colombia, and Mexico from the list of possible cases because they allow for controlled comparison along the dimensions of violent environments, societal corruption, state strength, and rule of law. In addition, these three cases have extreme variation in misconduct: Chile with low misconduct, and Mexico and Colombia with high levels of misconduct. However, Chile stands out as having a less violent environment, a less corrupt society, a stronger state, and a stronger rule of law. Colombia and Mexico, in contrast, have violent environments, more corrupt societies, weaker states, and weaker rule of law. The three cases together allowed me to learn a great

deal about how centralization and professionalization influence police misconduct even in the face of these alternative arguments. To build these cases, I describe each individually and in relation to one another for the sake of comparison, beginning with the case of Colombia.

Colombia stands out as a policy-relevant case, with its high levels of citizen trust in the police despite the violent context, rampant political corruption, historically weak state, and attendant weaker rule of law. Colombia is a country of forty-eight million people spread out over one million kilometers of land along the Andean Mountains. It spans from the Pacific Ocean to the Caribbean Sea and shares borders with Peru, Ecuador, Brazil, Venezuela, and Panama. Colombia has a GDP of \$314 billion and an economy based on mining, oil production, and agricultural goods. The nation has experienced internal turmoil since its founding in 1830. Civil wars between Liberal and Conservative Party members dominate much of Colombia's history until 1953, when a military coup brought order and stability to the two-party system.

Except for the 1953–1958 dictatorship of General Gustavo Rojas Pinilla, Colombia has had a functioning political democracy throughout its history. A political pact between the rival Liberal and Conservative Parties ended the period of *La Violencia* and opened a new era for Colombia. However, drug trafficking and internal insurgencies arose during this time, which initiated a new set of violent crises throughout the 1980s (Martin 2012). The constitutional reform of 1991 provided rights and guarantees to marginalized groups and produced a new era of political and security improvements. Although peace accords with various armed groups were discussed, and some were achieved, violence persisted through the 1990s. By the year 2000, the Medellín and Cali cartels had been defeated, and the administration of Álvaro Uribe, with the help of the United States, implemented Plan de Seguridad Nacional, which strengthened the state and weakened the guerrilla movements. This period also saw the demobilization of various paramilitary groups. Ultimately, the Revolutionary Armed Forces of Colombia (FARC) was forced to the negotiating table, and in 2015 a new peace process was initiated that saw the demobilization of these armed combatants. However, Colombia still faces internal threats from other guerrilla groups, such as the National Liberation Army (ELN) and criminal entities such as the Clan de Golfo. Given this history of extreme volatility, it is surprising that Colombia's police force has fared well in terms of public opinion polling. For these reasons, Colombia presents a critical case in developing an understanding of police misconduct.

In Colombia, national police handle all preventative activities and assume investigative law enforcement responsibilities, while the Instituto Nacional Penitenciario (INPE) handles jail security. As of 2012, an estimated 134,241 officers and civilians are in the National Police of Colom-

bia, which is spread throughout Colombia in rural areas and major cities alike. They are under the direct control of the Ministry of Defense of Colombia. In cities, mayors can ask the police for assistance, can coordinate with them on public security policies, and can request support in enforcing regulations. Municipal police agencies also exist; however, they are mostly in charge of traffic and parking regulations. Local political actors have no direct control over police.

For effective comparison, I picked the next case because it has a similar security context to Colombia but differs in terms of the level of trust in the police. Because Colombia has a history of insurgency, drug trafficking, paramilitaries, criminal violence, weak governmental institutions, and Iberian cultural heritage, it was ideal to select a case that was similar in these regards but different in terms of perceived police behaviors. To that end, Mexico provides the most similar case of the low-trust cases.

Mexico is a country of 125 million people spread out over two million square kilometers of land located in North America. It shares borders with the United States, Belize, and Guatemala. Historically, Mexico has had to face similar internal crises as Colombia, ones that pitted Liberal Party members against Conservative Party members for much of the nineteenth century. After Mexico gained independence in 1821, it became an empire from 1821 to 1826, then a dictatorship from 1826 to 1834, then a democratic republic from 1840 to 1850, then an empire again from 1850 to 1860, a democratic republic from 1860 to 1870, a personalist dictatorship from 1870 to 1910, and experienced a revolution from 1910 to 1920. Mexico gained political stability vis-à-vis the authoritarian party regime of the Institutional Revolutionary Party (PRI) that controlled Mexico from 1927 to 2000. Beginning in the 1980s, Mexico began to experience increased drug trafficking and cartel violence, rivaled only by Colombia. Mexico became a democracy in the year 2000 when the rival National Action Party won the presidential election for the first time in its history.

Mexico has a total of 430,000 police with about 40,000 federal, 227,000 state, and 164,000 municipal police forces (Expansion 2010). This provides two points of interests. First, the Mexican police system is federalized. This means that it has centralized police at the federal level, a semicentralized force at the subnational state level, and a completely decentralized force at the city/township level. Second, I consider the Mexican police system to generally be heavily decentralized, given that most policing at the time of this research was in the hands of local, not state or national, police.

There were over 2,457 municipal police in Mexico in 2014. As of 2018, 1,757 municipal police have come under the control of state police, and 700 municipal police departments continue to operate independently of state or federal control. These municipal police report directly to the mayor and

council. The governor of the state controls the state police. On the national level, the Guardia Nacional enforces federal law across the country and is under the control of the office of the president. In addition, there are civilian judicial police at the municipal and state level who help the public minister or public prosecutor's office. Again, this study focuses only on the uniformed preventative police forces. Although Mexico has historically had weak security, some attempts were made to provide a more centralized police apparatus during the Porfiriato through the Rurales period, roughly from 1861 to 1914 (Vanderwood 1970). However, since the Mexican Revolution, Mexico has had a decentralized police system. Local mayors have direct control over police appointments, and there is no national body developed for funding, oversight, or recruitment. This decentralized system, although locally controlled, is ultimately beholden to the hegemonic power of the PRI.

Despite slight differences in the trajectories of their political regimes, Colombia and Mexico today are very similar in terms of their levels of insecurity. For instance, both have the presence of drug trafficking organizations. Bender and Rosen (2014) state, "Between December 2006 and November 2012, 102,696 homicides took place in Mexico, of which 70% were drug-related." Colombia's homicide rate is 30.8 per 100,000 people, and Mexico's is 21.5 per 100,000 (United Nations Office on Drugs and Crime 2010–2013). The US Department of State Bureau of Diplomatic Security warns that both Mexico and Colombia have a high degree of terrorism, crime, and political violence (US Department of State 2015).

Both Colombia and Mexico have corrupt cultures, where paying off government officials is a regular and anticipated practice. As such, Colombia scored a 37 and Mexico a 35 (where 1 is the highest level of corruption) on the Transparency International (2013) Corruption Perceptions Index. Colombia and Mexico share similar levels of state fragility, scoring 75.7 and 69.7, according to the Fund for Peace (2019) Fragile State Index (scores range from high state fragility of 113 to low state fragility of 16.9). Bertelsmann governance index (2018a, 2018b) gives Colombia and Mexico each the same score, 7.3 out of 10, on the state's index (the closer to 10, the stronger the state).

Also, Bertelsmann (2018a, 2018b) gives Colombia a score of 6.75 and Mexico a similar score of 6.1 on the level of democracy. Lastly, the World Justice Project (2019) gives Colombia a score of .5 and Mexico a score of .45 on its rule-of-law index (scores range from 0 to 1, with 1 indicating the most robust adherence to the rule of law). Thus, in terms of security contexts, corruption, state strength, and the rule of law, Colombia and Mexico are very similar cases.

To add more analytical leverage, I have employed the logic of most-different systems design. I selected a third case that has high levels of trust but does not have the same security context as Colombia. The case needed

a lack of insurgencies, drug cartels, criminal violence, and paramilitary groups and would have low levels of governmental corruption. Chile fits as an appropriate comparison. Chile is an Andean country of 18 million people spread out over 750 thousand square kilometers in the Southern Cone of South America. It shares borders with Argentina, Bolivia, and Peru. Chile gained independence from Spain in 1821 but faced similar issues to both Colombia and Mexico concerning Liberal and Conservative Party competition. All three countries experienced a power vacuum in the early years of independence that gave rise to insecurity and cultures of caudillismo. Notwithstanding the sometimes-violent partisan political competition and banditry, Chile eventually developed a legacy of republicanism that would form part of the cultural fabric of the nation.

Nevertheless, in the twentieth century, Chile was still susceptible to authoritarian rule. In 1927, General Carlos Ibáñez del Campo took over the political regime of the nation, and again in 1973, the military took control of the government and stayed in power until 1990. Aside from its authoritarian legacy, Chile has been able to develop the most trusted and least malfeasant police force in Latin America.

Law enforcement in Chile is divided among three national-level institutions. First, the *Policía de Investigación* is civilian-oriented and primarily in charge of the investigation of crimes. Second, the *Gendermería de Chile* is responsible for providing security and bailiff duties in courts as well as in prisons. Finally, the *Carabineros de Chile* are the uniformed preventative police in charge of patrolling the streets as well as providing public security, anti-riot policing, and occasional investigative work. This book is primarily concerned with the third type of policing, and hence we will be looking specifically at the *Carabineros de Chile*. The *Carabineros de Chile* has an estimated 52,795 uniformed officers and is controlled by the Interior Ministry of Chile. The police can cooperate with local political officials, but they are not under the direct control of said officials.

In comparing the security contexts of Chile and Colombia, no two cases could be further apart under my scope conditions. Although the Colombian government dismantled the Medellín and Cali cartels in the 1990s, these groups simply fragmented and reared their heads in new forms, now called *Bandas Criminales (BACRIMS)*. In contrast, Chile does not have a similar criminal situation. Although criminal gangs in marginalized communities engage in micro drug-trafficking, the level of organized crime pales in comparison to Colombia. Furthermore, Chile has not faced the same problems with internally displaced populations, leftist guerrillas, or paramilitary groups. Thus, Chile overall has a lower level of crime and violence than Colombia. The homicide rate in Chile is only at 3.1 per 100,000 people, whereas in Colombia it is at 30.8 per 100,000 (United Nations Office on Drugs and Crime 2010–2013). Whereas the US Department of State Bureau

of Diplomatic Security rates Chile as generally safe, it considers Colombia to be dangerous (US Department of State 2015). Thus, the problems that police face in these countries are different.

Another point of difference is that Chile does not have a very corrupt culture, but Colombia does. According to Transparency International, Chile scores 73 on its Corruption Perceptions Index, while Colombia is much worse at 37 (the closer to 1, the more corrupt the country). Colombia scores 75.7 regarding state fragility, and Chile, with a much stronger state, comes in at 38.9. Bertelsmann Stiftung (2018a, 2018c) gives Colombia a score of 7.3, but it provides a much better score to Chile, 9.8 (the closer to 10, the stronger the state).

Further, Bertelsmann (2018a, 2018c) gives Colombia an index score of 6.75 and Chile a much better score of 9.2 on the level of democracy. Lastly, the World Justice Project gives Colombia a score of .5 and Chile a better count of .68 on its rule-of-law index. Thus, in terms of a security context, corruption, state strength, and the rule of law, Chile and Colombia are very different. Chile is a valuable case because it represents the extreme levels of misconduct in the region but is able to maintain different values in these contextual security conditions. Together, these three cases provide a well-balanced set that can elucidate the driving factors of police misconduct. Table 1.2 summarizes all of these indicators.

Table 1.2 Summary of Arguments

	Chile	Colombia	Mexico
	Alternative Arguments		
Violent environment (United Nations Office on Drugs and Crime 2010–2013)	Low	High	High
Corrupt environment (Transparency International 2013)	Low corrupt	High corrupt	High corrupt
State strength (Fund for Peace 2019)	Strong	Fragile	Fragile
State strength (Bertelsmann 2022)	Strong	Weak	Weak
Rule of law (World Justice Project 2019)	High	Medium	Medium
	My Arguments		
Structure	Centralized	Centralized	Centralized
Development	Professional	Professional	Nonprofessional
Training	Professional	Professional	Nonprofessional
Oversight	Professional	Professional	Nonprofessional

Conclusion

With this case configuration in mind, I conducted field research in each location. I performed interviews with political elites, nongovernmental organizations, police elites, and government officials. I also utilized original document analyses, secondary sources, and electronic correspondences with pertinent officials in each country.

In Chapter 2, I discuss the Chilean police, the Carabineros, which are the best police force in Latin America. However, they were not always that way. How did they become the least corrupt and most trusted police force in Latin America? I trace six significant police reform periods that changed the structure and labor model of Chilean policing, and I assess the impact these reforms had on police behavior. Over time, the Chilean police service was centralized, and by the end of the twentieth century it had become a professional police service—supporting my argument through a historical lens. This chapter also includes a thorough analysis of the various policy reforms enacted by the left-wing parties that took over after the return to democratic control in 1990. The key findings here are that the early model of decentralized policing elicited high levels of police corruption. When more centralized, professional, and militarized models were introduced in 1896, these models outperformed their decentralized counterparts. When the Chilean Carabineros came about in 1927 as a national, professional, and militarized police, they provided effective police services and had low levels of police misconduct. The authoritarian regime of Augusto Pinochet undermined the professionalism of the police by cutting their budget all while using the police to repress political dissent. In this period, the police were highly malfeasant. The return of democracy in Chile meant the return of bigger budgets and better administration of the police, which returned this force to professional status, producing the current era of police in Chile. Note that although centralization and professionalization greatly reduced misconduct in Chile, these reforms are not a panacea. In the case of the Carabineros, some factors still produce abuse and corruption, which, although present, are nevertheless more muted than in Chile's Latin American counterparts.

In Chapter 3, I analyze Colombian policing during seven periods from 1846 to 2013. The chapter traces how police in Colombia evolved, starting out as decentralized and unprofessional police from independence in the 1830s until 1953. During this period, the police were intimately and heavily involved in partisan violence, corruption, and abuse of power. In 1953, a military coup began the process of centralization and professionalization that improved police behavior and reduced factional infighting. The exigencies of the civil war and combating drug trafficking led to the reduction of budgets for the police, which reduced their professional capacities and opened them up for misconduct. In the 1990s, the presidential

administration of César Gaviria invested more in funding and expanding professional institutions, which helped to decrease police abuse of authority and to increase citizen trust. These structural and institutional changes have led to an improvement in police service in Colombia. Yet again, centralization, professionalized institutions, and militarization improved police performance.

Chapter 4 compares city police, state police, and national police forces in Mexico in 2013. By looking at the three institutional arrangements, this chapter supports the argument that a nationally organized (or even provincially organized) police force with high professionalization is far preferable to the reliance on municipal police. The chapter illustrates that the decentralized and occupational municipal police in Mexico are engaged the most in misconduct and engender the lowest levels of trust. The state police are semicentralized and semiprofessionalized and induce higher levels of trust than their municipal counterparts. The federal police are the most centralized and most professional, and they exhibit the lowest level of misconduct of the three levels of police.

Chapter 5 summarizes the case analysis and findings and then provides a brief discussion of how the results help us understand policing in the United States. I close the chapter with a set of policy recommendations that make the case for more federal or state oversight of standards, recruitment, and investigation of misconduct. I also argue that the money to protect pensions and other benefits for local police should be funded by state or federal government.

Furthermore, direct control of police by the mayor should be eliminated. Local police chiefs should not be under the control of local mayors but instead under the control of a police board that manages and ensures the qualification of all candidates at that level. However, local co-responsibility for public security is imperative. Councils of local citizens overseeing police should be a part of every city. Mayoral powers should allow for the continuation of strategic development to counter public security issues that are relevant in the mayor's area of operations. It should be the duty of the commander in charge of local police departments to work with, but not for, local authorities to address crimes and other public security issues in the locality.